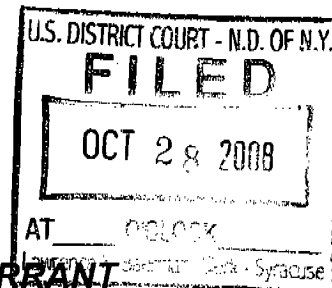


ORIGINAL

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF NEW YORK

In the Matter of the Seizure of
ONE (1) 2002 FORD EXPLORER,
NEW YORK REGISTRATION DYG2045,
VIN #1FMZU73E42UC49744, REGISTERED IN
THE NAME OF KATHLEEN TYRRELL

Case No. 08-MJ- 468 (DEP)



APPLICATION AND AFFIDAVIT FOR SEIZURE WARRANT

I, ANTHONY R. FITZGERALD, being duly sworn, depose and say that I am a Special Agent with the Federal Bureau of Investigation, and have reason to believe that in the Northern District of New York there is now certain property which is subject to forfeiture to the United States, namely: one (1) 2002 Ford Explorer, VIN #1FMZU73E42UC49744 registered in the name of Kathleen Tyrrell which is: property that was obtained directly or indirectly as a result of violations of Title 21, United States Code, Sections 841 and 846 and/or was used or intended to be used to commit, or facilitate the commission of a violation of Title 21, United States Code, Section 841 and 846 and is therefore subject to seizure and forfeiture to the United States of America pursuant to Title 21, United States Code, Section 853.

The facts to support a finding of Probable Cause for issuance of a Seizure Warrant are as follows:

PLEASE SEE AFFIDAVIT OF FBI SPECIAL AGENT ANTHONY R. FITZGERALD,

Continued on the attached sheet and made a part hereof. Yes


SPECIAL AGENT ANTHONY FITZGERALD
FEDERAL BUREAU OF INVESTIGATION

Sworn to before me, and subscribed in my presence

October 28, 2008
Date and Time Issued

at Syracuse, New York
City and State

Hon. David E. Peebles
United States Magistrate Judge
Name and Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF SEIZURE WARRANT

STATE OF NEW YORK
COUNTY OF ONEIDA
CITY OF UTICA

I. Purpose of Application and Applicant's Background

ANTHONY R. FITZGERALD, being duly sworn, deposes and says:

I am a Special Agent with the Federal Bureau of Investigation ("FBI"), an agency of the United States Department of Justice. I am currently assigned to the Utica, New York FBI office. I have been employed by the FBI for the past twenty 24 years. During this time, I have participated in numerous investigations involving organized criminal/drug and money laundering operations, including criminal narcotics enterprises. I make this affidavit in support of seizure warrants pursuant to the provisions of Title 21, United States Code, Section 853(a)(1)(2) (Drug Crimes Seizure and Forfeiture) and Title 18 United States Code, Section 982 (Money Laundering Seizure and Forfeiture). This affidavit is in support of an application to obtain warrants to seize 10 vehicles owned and/or used by members of a Utica, New York drug gang called BRANCH OFF PRODUCTIONS (hereinafter BOP) in their drug operation. Specifically, records maintained by the

New York State Division of Motor Vehicles shows the following information on these vehicles:

1. 2003 Acura TL, Vehicle Identification Number (VIN) 19UUA56713A078111, New York Reg. EGU 5940, which is registered to Shalon W. Durham, and titled to Andrea L. Scott.

2. 2005 Mitsubishi Endeavor, VIN 4A4MM21S15E061815, New York Reg. EBL7149, which is registered to Nadine Allen and titled to Wilber C. Allen.

As will be discussed in detail later in this affidavit it is reasonably believed that the above two vehicles are actually owned and used by BOP member WHITNEY FOWLER a/k/a SEIS, FATTIE, FATBOY.

3. 2001 Honda Civic, VIN 1HGEM229X1L002552, New York Reg. DZW 8369, which is registered and titled to MICHAEL E. AUSTIN, date of birth: November 17, 1978.

4. 2004 Mercedes Benz S 430, VIN WDBNG83J74A388010, New York Reg. DNY1538, which is registered to MICHAEL E. AUSTIN, date of birth: November 17, 1978, and titled to Michael P. Lennon.

As will be discussed in detail later in this affidavit it is reasonably believed that the above two vehicles are owned and used by BOP member MICHAEL E. AUSTIN a/k/a SOSA date of birth: November 17, 1978.

5. 1999 Audi A6, VIN WAUBA24B4XN082824, New York Reg. DVY 5669, which is registered and titled to MICHAEL A. WILLIAMS.

As will be discussed in detail later in this affidavit it is reasonably believed that MICHAEL A. WILLIAMS is a Utica, New York drug dealer who purchased cocaine from BOP member HAROLD CARR, a/k/a "H", HENNY. Additionally, WILLIAMS registered vehicles in his name for CARR.

6. Acura TL, New York Reg. EEF3379.

As will be discussed in detail later in this affidavit it is reasonably believed that the above vehicle is actually owned and used by BOP member HAROLD CARR a/k/a "H", HENNY.

7. 2002 Ford Explorer, VIN 1FMZU73E42UC49744, New York Reg. DYG2045, which is registered and titled to Kathleen Tyrrell.

8. 2003 Honda Accord, VIN HGCM66543A057468, New York Reg. EBL8051, which is titled and registered to Marlene A. Thompson.

9. 2005 Jeep Cherokee, VIN 1J4GR48K75C509407, New York Reg. EKX2230, which is registered and titled to Sheena Stockton.

As will be discussed in detail later in this affidavit it is reasonably believed that the above three vehicles are actually owned and used by BOP member ANDREW WYMES a/k/a DRIP.

10. 2002 Chevy Trailblazer, VIN 1GNDDT13S122463839, New York Reg. DVY7671, which is registered and titled to Jaime Rivera.

As will be discussed in detail later in this affidavit it is reasonably believed that the above vehicle is owned and used by BOP member JERMAINE GARY a/k/a HALF.

WHITNEY FOWLER a/k/a SEIS, FATTIE, FATBOY, MICHAEL E. AUSTIN a/k/a SOSA, MICHAEL A. WILLIAMS, HAROLD CARR a/k/a "H", HENNY, ANDREW WYMES a/k/a DRIP, and JERMAINE GARY a/k/a HALF are currently the subjects of a federal criminal investigation for violations of Title 21, United States Code Sections 841 (a)(1) and 846 Possession With intent to Distribute Controlled Substances and Conspiracy and Title 18, United States Code Section 1956, Money Laundering.

This affidavit is intended to set forth probable cause in support of a warrants to seize the

above nine vehicles. These vehicles were purchased with illicit drug money and/or were used to transport drugs and money in support of the above offenses. The requested warrants are sought so that these assets can be preserved for further proceedings in accordance with law. Therefore, I have set forth the necessary information to make a showing of probable cause for the issuance of these seizure warrants. I have not included every single fact of this investigation.

II. BOP Drug and Money Laundering Investigation

A. Case Background

Captioned investigation was initiated in April 2007 based upon source information from a confidential source (hereinafter CS) that BRANCH OFF PRODUCTIONS, a violent Utica drug gang, had been selling significant quantities of powder and crack cocaine in the central New York area since the late 1990's. Subsequently, additional CSs were debriefed, controlled cocaine and crack cocaine buys were made from BOP members and electronic surveillance was conducted on five cell phones used by BOP members. These investigative techniques show that starting in the late 1990's a Utica drug gang called the TREE SQUAD was formed. The gang initially trafficked in marijuana and was led by WHITNEY FOWLER a/k/a SEIS, FATTIE; FATBOY, MICHAEL AUSTIN a/k/a SOSA and ANDREW WYMES a/k/a DRIP. The gang gradually phased out its marijuana business and began trafficking in large quantities of crack cocaine and powder cocaine in the Central New York area. Around 2002 the gang started its own independent music company called BRANCH OFF PRODUCTIONS (hereinafter BOP) and since then the gang has used that name. BOP, which is based in Utica, New York, continues to run an extensive drug operation that trafficks in large quantities of powder and crack cocaine in the upstate New York area.

B. Confidential Sources

During the course of this investigation confidential sources ("CSs") provided information on the drug activities of the members of this conspiracy. The information provided by the CSs has been corroborated by independent investigation, including telephone call records, recorded conversations, police reports, debriefings of other CSs, physical surveillance by the Utica FBI and the Oneida County Drug Task Force, Utica, New York. Additionally, CSs made five controlled cocaine buys from BOP member HAROLD CARR a/k/a "H", HENNY, four controlled cocaine buys from BOP leader ANDREW WYMES a/k/a DRIP and/or his workers, three controlled cocaine buys were made from BOP leader WHITNEY FOWLER a/k/a SEIS, FATTIE, FATBOY, three controlled crack cocaine buys were made from BOP leader MICHAEL AUSTIN a/k/a SOSA and one controlled crack cocaine buy was made from JERMAINE GARY a/k/a HALF. Information gathered from the CSs, corroborated and added to evidence later gathered through controlled buys and electronic surveillance, which identified the defendants WHITNEY FOWLER a/k/a SEIS, FATTIE, FATBOY, ANDREW WYMES a/k/a DRIP, HAROLD CARR a/k/a "H", HENNY, MICHAEL WILLIAMS and MICHAEL AUSTIN a/k/a SOSA and JERMAINE GARY a/k/a HALF as members of a Utica drug conspiracy.

C. Electronic Surveillance

On July 7, 2008, based upon information developed from the above controlled purchases with HAROLD CARR a/k/a "H", HENNY and call record analysis on "H"'s cell phone, 315-507-7493 (hereinafter Line 1), a Title III wiretap was authorized by Hon. Norman A. Mordue, United States District Court Judge, on Line 1. This order was renewed on August 5, 2008.. Pertinent calls intercepted during the wire intercept on Line1 showed that this cell phone was used primarily by

"H" to take drug orders from his customers and to communicate with other BOP members regarding their drug trafficking activities. Call intercepts from this wiretap led to probable cause to obtain spinoff wiretaps on cell phones 315-601-1036 (hereinafter Line 2), 315-534-0292 (hereinafter Line 3) and 315-507-0656 (hereinafter Line 4). The Title III wiretaps on Lines 2, 3 and 4 were authorized by Hon. Norman A. Mordue, United States District Court Judge, on August 25, 2008. This order for Line 3 was renewed on October 10, 2008. (It is noted that when Line 3 was renewed the cell phone number had changed to 315-534-0017). Call intercepts on these lines showed that ANDREW WYMES a/k/a DRIP was the user of Lines 2 and 3 and that WHITNEY FOWLER was the user of Line 4. After August 5, 2008 call activity on Line 1 significantly decreased and it was determined that "H" was no longer using this cell phone. Based upon information provided by CS 3 and call record analysis of "H"'s girlfriend's cell phone it was determined that "H" was using cell phone number 315-269-3789 to conduct his drug business. Based upon this information, Hon. Norman A. Mordue, United States District Court Judge, authorized a Title III wiretap on 315-269-3789 (hereinafter Line 5) on September 3, 2008. This order was renewed on October 2, 2008.

Based on the calls intercepted over Lines 1 and 5, it is clear that these cell phones were used by customers of HAROLD CARR a/k/a HENNY, "H", to place drug orders with him. There are numerous calls in which customers are calling these cell phones to order quantities of cocaine and/or crack cocaine. Discussions during these calls include, but are not limited to, the amount of crack ordered, the price to be paid and when and where to make the deliveries.

Also, calls intercepted over Lines 1 and 5 showed these cell phones were used by HAROLD CARR a/k/a "H" to communicate with other members of BOP including WHITNEY FOWLER a/k/a SEIS, ANDREW WYMES a/k/a DRIP. In general, calls with these individuals

showed the close criminal association of these BOP members. Specifically, the calls with WYMES showed that HAROLD CARR a/k/a "H" was supplied with drugs by DRIP and that in addition to drug trafficking WHITNEY FOWLER a/k/a SEIS also was the point of contact for BOP members who needed guns.

D. WHITNEY FOWLER a/k/a SEIS, FATTIE, FATBOY

1. 2003 Acura TL, Vehicle Identification Number (VIN) 19UUA56713A078111, New York Reg. EGU 5940, which is registered to Shalon W. Durham, and titled to Andrea L. Scott.

2. 2005 Mitsubishi Endeavor, VIN 4A4MM21S15E061815, New York Reg. EBL7149, which is registered to Nadine Allen and titled to Wilber C. Allen.

WHITNEY FOWLER a/k/a SEIS, FATTIE, FATBOY is a 28 year old convicted New York State drug felon who resides at 1629 Elm Street, first floor, Utica, New York. The above Mitsubishi Endeavor is registered to FOWLER's mother Nadine Allen. During an intercepted call FOWLER stated that he was the owner of the above Acura TL. Six CSs have identified FOWLER as a leader of BOP, a Utica drug gang. FOWLER is not known to have any source of income outside of his drug trafficking activities.

On August 14, 2008 during call # 7 on Line 4 FOWLER told an insurance agent who was handling a car accident investigation involving the above Acura TL that he was the owner of this vehicle. FOWLER advised he would fax the insurance agent a police report relating to the car accident.

On September 13, 2008 during call # 458 at 6:15 pm on Line 5 BOP leader WHITNEY FOWLER a/k/a SEIS, FATTIE, FATBOY called for HAROLD CARR a/k/a "H" but MICHAEL WILLIAMS who was with "H" answered the call. WILLIAMS stated that they were on the way

to WILLIAMS' house (1549 Mohawk Street, Utica) and "H" wanted FOWLER to meet them there at 6:30 pm. WILLIAMS told FOWLER to pull all the way into the back of the house.

Call # 461 – 315-520-9959 – 6:43 pm

WHITNEY FOWLER a/k/a SEIS told HAROLD CARR a/k/a "H" that he was at WILLIAMS' house.

Surveillance

6:43 pm – A gray Acura TL , New York tag EGU5940, known to be driven by WHITNEY FOWLER a/k/a SEIS, drove to the rear of the driveway at 1549 Mohawk Street, Utica.

6:50 pm – A gray Honda Accord, New York tag EEF 3379, known to be driven by HAROLD CARR a/k/a "H" also pulled to the rear of the driveway at 1549 Mohawk Street.

7:30 pm – The Honda left.

7: 37 pm – The Honda returned.

7: 52 pm – The Honda left.

7:54 pm – The Acura left.

Based on my training and experience I believe that the intercepted calls and surveillance on September 13, 2008 show that HAROLD CARR a/k/a "H", WHITNEY FOWLER a/k/a SEIS, FATTIE, FATBOY and MICHAEL WILLIAMS met to discuss their drug business at WILLIAMS' house and that FOWLER there in the Acura TL.

On October 1 and October 6, 2008 CS 1 made controlled purchases of cocaine with FOWLER in Utica, New York. During the first controlled buy FOWLER was observed making the delivery to CS 1 while driving the above Mitsubishi Endeavor. During the second controlled

buy FOWLER was observed driving the above Mitsubishi Endeavor to his residence at 1629 Elm Street, Utica where he remained for a short time before driving the same vehicle to complete his cocaine sale to CS 1.

Also, on October 17, 2008 CS 1 made another controlled purchase of cocaine from WHITNEY FOWLER a/k/a SEIS , FATTIE, FATBOY. During this controlled buy SEIS made the cocaine delivery while driving the above Acura TL.

It is noted that during numerous other surveillances conducted in this investigation from July 2008 through October 2008 FOWLER was the only person observed to drive the Acura TL and the Mitsubishi Endeavor.

E. MICHAEL AUSTIN a/k/a SOSA

1. 2001 Honda Civic, VIN 1HGEM229X1L002552, New York Reg. DZW 8369, which is registered and titled to MICHAEL E. AUSTIN.

2. 2004 Mercedes Benz S 43, VIN WDBNG83J74A388010, New York Reg. DNY1538, which is registered to MICHAEL E. AUSTIN and titled to Michael P. Lennon.

MICHAEL AUSTIN a/k/a SOSA is a 29 year old convicted New York State drug felon who resides at 111 Hawthorne Avenue, Utica, New York. Six CSs have identified AUSTIN as a leader of BOP, a Utica drug gang. AUSTIN is not known to have any source of income outside of his drug trafficking activities.

On August 3, 2008 calls intercepted on Line 1 indicated that a load of cocaine had arrived at 512 Blandina Street, Utica, which is the residence of BOP leader ANDREW WYMES a/k/a DRIP. That same night at 9:10 pm the above Honda Civic was observed parked near 512 Blandina Street.

On October 2, CS 2 advised that AUSTIN has a gray Honda Civic with a "trap" in the back

of the front passenger seat that AUSTIN uses to conceal drugs he is transporting. AUSTIN told CS 2 that the Civic was currently in New York City but that he was bringing it back to Utica soon.

On October 10, 2008 CS 2 made a controlled purchase of crack cocaine from AUSTIN in Utica. AUSTIN was observed driving to this buy in the above Mercedes Benz S 43. The buy was also completed in this vehicle by CS 2 with AUSTIN.

F. MICHAEL WILLIAMS

1999 Audi A6, VIN WAUBA24B4XN082824, New York Reg. DVY 5669, which is registered and titled to MICHAEL A. WILLIAMS.

MICHAEL WILLIAMS is a 36 year old who resides at 1549 Mohawk Street, Utica, New York.

WILLIAMS was identified through wire intercepts and surveillance as a drug dealer who was one of "H"'s main customers. Additionally, investigation determined that WILLIAMS was a cousin and close associate of "H". It is noted that during the wiretaps on Lines 1 and 5, WILLIAMS registered three cars in his name that were owned and driven by HAROLD CARR a/k/a "H", HENNY, to make his drug deliveries. Recent wire intercepts on Line 5 also show that WILLIAMS and CARR are in the process of starting a cab business through which they will launder their drug proceeds. WILLIAMS is not known to have any source of income outside of his drug trafficking activities.

On July 25, 2008 at 5:49 pm during call #1138 on Line 1 WILLIAMS asked CARR to "holler" at him. (It is noted that the term "holler" was frequently used by CARR's drug customers to indicate that they wanted CARR to deliver cocaine to them.) At 5:54 pm CARR was observed to drive to the back of WILLIAMS' residence at 1549 Mohawk Street, Utica. At 6:01 pm CARR drove away as did WILLIAMS in the above Audi A6.

Based on my training and experience it is believed that during the above call CARR delivered cocaine to WILLIAMS and WILLIAMS then left in his Audi A6 to make a drug delivery.

On July 28, 2008 at 5:11 pm during call #1409 on Line 1 CARR and WILLIAMS agreed to meet at a Utica bar that CARR sold cocaine out of. At 5:14 pm WILLIAMS was observed exiting his Audi A6 and entering the bar. At 5:16 pm WILLIAMS left the bar and drove away in his Audi A6.

Based on my training and experience it is believed that during the above call that WILLIAMS bought cocaine from CARR and transported it in his Audi A6.

G. HAROLD CARR a/k/a "H", HENNY

Acura TL, New York Reg. EEF3379.

HAROLD CARR a/k/a "H", HENNY, is a 29 year old New York State drug felon who resides at 197A Clinton Road, Utica. Five CSs have identified CARR as a BOP member and drug dealer. As was mentioned previously, CS 3 made five controlled cocaine purchases from CARR. CARR is not known to have any source of income outside of his drug trafficking activities.

Wire intercepts from Lines 1 and 5 which are CARR's cell phones and associated surveillance from July 2008 through October 2008 showed CARR made numerous cocaine deliveries to his main drug customers. CARR was observed making many of these drug deliveries in a Mercedes Benz which was registered to MICHAEL WILLIAMS and titled to CARR. CARR later sold the Mercedes Benz and purchased a Honda Accord which he was observed making drug deliveries in numerous times. The Honda was also registered to WILLIAMS and titled to CARR. CARR recently sold the Honda and purchased the above Acura TL which is registered to WILLIAMS and titled to CARR.

Based on my training and experience it is believed that the above Acura TL was purchased

with drug proceeds.

H. ANDREW WYMES a/k/a DRIP

1. 2002 Ford Explorer, VIN 1FMZU73E42UC49744, New York Reg. DYG2045, which is registered and titled to Kathleen Tyrrell.

2. 2003 Honda Accord, VIN HGCM66543A057468, New York Reg. EBL8051, which is titled and registered to Marlene A. Thompson.

3. 2005 Jeep Cherokee, VIN 1J4GR48K75C509407, New York Reg. EKX2230, which is registered and titled to Sheena Stockton.

ANDREW WYMES a/k/a DRIP is a 28 year old convicted New York State drug felon who resides at 512 Blandina Street, Utica, New York. Six CSs have identified WYMES as a leader of BOP. Wire intercepts and associated surveillance show that WYMES has received deliveries of cocaine at his residence and that he also distributes cocaine. WYMES, who is currently on parole, works at a Utica gas station. Wire intercepts and CS information show that WYMES also conducts his drug business from this workplace.

On September 12, 2008 CS 3 advised as follows:

For the last four or five years CS 1 bought cocaine from Utica drug dealers CS 1 knew as SEIS and DRIP. CS 1 estimated he completed 17 or 18 drug deals with WHITNEY FOWLER a/k/a SEIS, FATTIE and FATBOY and ANDREW WYMES a/k/a DRIP. The cocaine amounts purchased ranged from one half ounce to 14 ounces. CS 1 advised that the 14 ounce cocaine deal took place at WYMES' mother's house on Blandina Street in Utica. CS 1 met WYMES at this location and then FOWLER brought the cocaine there.

The last cocaine purchase CS 1 made from FOWLER happened in late August or early September 2008. CS 1 observed FOWLER deliver four or five ounces of cocaine to another Utica drug dealer who in turn handed it to CS 1.

On September 18, 2008 CS 1 advised as follows:

Most of CS 1's cocaine purchases were made from WYMES. CS 1 stated that three or four of his cocaine purchases were with FOWLER. Many of the cocaine purchases from WYMES occurred at WYMES' mother's house on Blandina Street, the front porch of WYMES' house on Blandina Street and inside WYMES' vehicle, a green Ford Explorer. CS 1 stated that two or three times he also bought a total of approximately two ounces of crack from WYMES.

CS 1 noted that WYMES' residence is about a block from his mother's house on Blandina Street. CS 1 advised that WYMES' mother is an older white female. CS 1 also advised that WYMES' mother's house is located right next to the residence of ROCKY ROCK, who is WYMES' brother. It is noted that physical surveillance, wire intercepts and public record checks show that WYMES resides at 512 Blandina Street, his mother is a white female, Katherine Tyrrell, who resides at 410 Blandina Street and ROCKY ROCK resides next door to her at 418 Blandina Street. CS 1 advised that approximately one year ago a Utica drug dealer told CS 3 that he sold cocaine at a Utica bar for ROCKY ROCK. This drug dealer also stated that ROCKY ROCK obtained his cocaine from WYMES.

CS 1 advised that one of his drug associates was fronted three to six ounces of cocaine every other day by WYMES. CS 1 observed many of these drug deals. CS 1's drug associate also told CS1 that WYMES kept his cocaine in a safe at his mother's house on Blandina Street.

Line 3 Calls With ANDREW WYMES a/k/a DRIP

From August 25, 2008 through September 23, 2008 call intercepts on Line 3 which is a cell phone subscribed to by ANDREW WYMES, 512 Blandina Street, Utica, New York, show that DRIP used this cell phone to distribute cocaine and/or crack cocaine, communicate with other BOP members about their drug operation, launder his drug proceeds and set up drug deliveries from his Long Island supplier. A sampling of these calls and related surveillances is as follows:

Drug Distribution Calls

August 25, 2008

Call #2 – 315-724-3785 – 8:49 pm

A female caller later identified as Sheena Stockton told DRIP that she had no “food”. DRIP stated that he would get her something and told her to come see him at work.

Surveillance

9:07 pm – A white Pontiac pulled into the Citgo gas station in north Utica. DRIP who was working there talked to the driver.

10:01 pm – The Pontiac was observed parked in front of 512 Blandina Street, Utica.

10:06 pm – The Pontiac left 512 Blandina Street.

Call #7 – 315-790-5782 – 10:09 pm

DRIP asked his sister Alice Fenimore, who lives on the first floor at 512 Blandina Street, Utica, below DRIP who resides on the second floor apartment, if Sheena had come to see her yet. Fenimore stated that she had come and asked for “one”. Fenimore stated that she gave it to her. Fenimore continued “I gave her one right?” DRIP replied “yup”. Fenimore stated that “there were two ones and one that looked like (unintelligible)”. DRIP again replied “yup”.

Surveillance

10:14 pm – The Pontiac returned to the Citgo station in north Utica and DRIP again talked to the driver.

Based on my training and experience I believe that the above calls and surveillances show that DRIP had his sister supply Sheena Stockton with powder and/or crack cocaine.

August 31, 2008

Call #315 – 315-733-1472 – 9:08 pm

DRIP told Clue he was “hollering” at Lang right now and then he was going to “check” Clue’s “shortie” (girlfriend). DRIP stated then he was going to FATBOY’s crib (the residence of BOP leader WHITNEY FOWLER a/k/a SEIS, FATTIE, FATBOY which is located at 1629 Elm Street, Utica). Clue stated that his “shortie” was in the “crib” on Jewett (Place) in the upstairs back apartment. DRIP told Clue to tell his “shortie” that he would be there at 9:30 pm. (It is noted that in this call and other calls the term “holler” was frequently used by DRIP when he met with other BOP members and drug dealers. Based on my training and experience it is believed that DRIP used “holler” to indicate when drugs and/or money needed to be picked up or delivered by him. Additionally, it is noted that based on my training and experience the term “check” is commonly used by a drug dealer to indicate that he is about to make a drug delivery).

Call #316 – 315-733-1472- 9:43 pm

DRIP told Clue’s “shortie” that he was pulling into the driveway now and asked her to come see him.

Surveillance

9:45 pm – A black Honda Accord, New York tag EBL 8051, registered to DRIP’s sister

Marlene Thompson and known to be driven by DRIP, turned onto Jewett Place, Utica. The Honda then parked in the driveway at 10 Jewett Place.

9:50 pm – The Honda left 10 Jewett Place.

Based on my training and experience I believe that the above calls and surveillance show that DRIP drove the above Honda Accord to 10 Jewett Place to make a drug delivery. Additionally, as will be discussed in further detail later in this affidavit the Honda that DRIP used to make the drug delivery is believed to have a “trap” in it to hide drugs.

September 8, 2008

Call #638 – 315-525-9638 – 2:27 pm

An unknown male caller needed to see DRIP who was at work. DRIP told him to come to his job. The caller stated that he would call DRIP before he came.

Call #642 – 315-525-9638 – 5:36 pm

The unknown male caller told DRIP he would come by to look at “it” in half an hour.

Surveillance

6:18 pm – A white Toyota Camry parked at the Citgo gas station in north Utica. The male driver exited the car and went in the office where he met DRIP.

6:22 pm – The male driver exited the office and drove away.

Call #652 – 315-525-9638 – 7:15 pm

The unknown male caller complained to DRIP about some “shit” DRIP gave him that was weak.

September 22, 2008

Call #1077 – 315-525-9638 – 8:43 pm

DRIP told the unknown male caller to stop by his job.

Surveillance

9:19 pm – A white Toyota Camry, New York tag AKB 1091, driven by an Asian male, pulled into the Citgo gas station in north Utica. The driver talked to DRIP.

Call #1081 – 315-525-9638 – 9:35 pm

DRIP told the unknown male caller to come back to see him for a second.

Call #1085 – 315-525-9638 – 9:35 pm

The unknown male caller agreed to meet DRIP at his residence.

Based on my training and experience I believe that the above calls and surveillances show that the above unknown male caller met DRIP to purchase powder and/or crack cocaine.

Calls Relating To DRIP's Hidden Ownership of Vehicles

Call intercepts, surveillance and public records checks show that DRIP has at least three vehicles that he owns and uses in his drug business registered in the names of other individuals. A sampling of these calls is as follows:

September 1, 2008

Call #343 – 315-542-6454 – 6:30 pm

DRIP's sister Marlene Thompson asked DRIP if he forgot about the insurance that had to be paid. DRIP stated that he would write a check tomorrow because he had to "hit " Pokey and give a whole bunch of people some cash. DRIP then mentioned that they were still waiting to hear from the "dude". As the black Honda Accord, New York tag EBL 8051, which DRIP drove is registered to Marlene Thompson it is believed that during this call Thompson was asking him to pay the car insurance on the Honda.

September 12, 2008

Calls #773 and #774 – 315-542-6454 – 11:35 am, 11:51 pm

DRIP told Marlene Thompson that he needed her to get new keys made for the black 2003 Honda Accord, VIN 18GCM66543A057468, NY tag. EBL 8051.

September 13, 2008

Call #826 – 347-231-9731 – 11:07

DRIP complained to his girlfriend “Baby Girl” that he had to get keys made for his Honda. DRIP thought FATTY (BOP leader WHITNEY FOWLER a/k/a SEIS FATTIE) had lost one of the keys to the Honda. DRIP stated that he did not know where the other key went.

September 18, 2008

Call #966 - 315-765-1540 – 11:22 pm

DRIP told his girlfriend Celeste to get some personal use marijuana that he had left in the car in the compartment under the radio. DRIP told her that the “weed “ was “in the thing that you push and then it comes up above the gear shift thing underneath the radio”. As other call intercepts show that DRIP sometimes let his girlfriend Celeste drive the black Honda and CS 2 recently advised that DRIP had a “trap” under the radio in the Honda, it is believed that in this call DRIP was telling Celeste how to activate the “trap” in the Honda.

Based on my training and experience it is believed that the above calls relating to the Honda show that DRIP is the actual owner of this car and that it is used by him in his drug business to transport drugs.

September 9, 2008

Call #692 – 315-724-3785 – 9:20 pm

DRIP asked Sheena Stockton if the title came. After Stockton stated that it did DRIP told her that he needed it because he had to give it tomorrow to the "dude" who needed it.

September 12, 2008

Call #793 – 315-724-3785 – 3:28 pm

Sheena Stockton asked DRIP if they had to change the insurance. DRIP stated that had already been taken care of and that it would come in the mail to them. DRIP stated that he already had the "temporaries" and that the car was the same model but a different color and package. DRIP stated that he was supposed to "shoot down there" (Long Island) to see "son" but that he did not know if it would be this week

As is mentioned later in this affidavit, on September 20, 2008 DRIP drove a gray/green 2005 Jeep, New York tag EKX 2230, to Long Island and is believed to have returned to Utica with a load of cocaine. Record checks conducted on this Jeep show that it was recently registered to Sheena Stockton.

Based on the above calls and DRIP's trip to Long Island on September 20, 2008, it is believed that DRIP is the true owner of the 2005 Jeep and that he uses it to conduct his drug business.

Numerous surveillances conducted on DRIP since July 2008 show that he drives a green Ford Explorer, New York tag DYG 2045, on a daily basis. This vehicle is registered and titled to DRIP's mother, Kathleen Tyrrell, 410 Blandina Street, Utica. Additionally, as was mentioned previously, CS 1 recently advised that he has made numerous cocaine purchases from DRIP in the Explorer. Based on this information it is believed that DRIP is the true owner of the Explorer and that he uses it to conduct his drug business..

Calls With Other BOP Members

DRIP was in frequent contact with other BOP members including JAMIE THOMPSON a/k/a BUDDHA and JERMAINE GARY a/k/a HALF. A sampling of these calls and related surveillances is as follows:

August 27, 2008

Call # 50 – 315-542-0556- 10:50 am

DRIP told BUDDHA that DRIP was not on the same page as FATTY (BOP leader WHITNEY FOWLER a/k/a SEIS, FATTIE), HUNCHBACK (BOP leader MICHAEL AUSTIN) and BUDDHA's brother. DRIP stated that it (i.e. their drug operation) was not a game and never was. At the end of the call BUDDAH asked DRIP if he could "holler" at him before DRIP went to work. DRIP told BUDDHA to come see him. BUDDHA stated that he would be there in 10 minutes.

As was mentioned previously, it is noted that this call and other calls show the term "holler" was frequently used by DRIP. Based on my training and experience it is believed that BUDDHA and DRIP used "holler" to indicate when drugs and/or money needed to be picked up or delivered by one of them.

Surveillance

11:46 am – A gray Passat, New York tag CZF 6502, which is registered to BUDDHA's girlfriend and known to be driven by BUDDHA, was observed parked in the driveway of DRIP's residence at 512 Blandina Street, Utica. DRIP and BUDDHA then exited the rear of the residence. BUDDHA drove away in the Passat. DRIP drove away in his green Ford Explorer, NY tag DYG 2045.

August 28, 2008

Call #114 – 315-542-0556 - 9:56 am

BUDDHA told DRIP he was there. DRIP told BUDDHA to come to the front door.

Call #115 – 315-542-0556 – 10:18 am

BUDDHA told DRIP he was coming right now.

Surveillance

10:47 am – A Passat, New York tag CZF 6502, known to be driven by BUDDHA, was parked in the driveway at 512 Blandina Street, Utica. Also in the driveway were DRIP's green Ford Explorer, New York tag DYG 2045, and a Chevy Trailblazer, New York tag DVY 7671, known to be driven by BOP member JERMAINE GARY a/k/a HALF. Five people were observed outside at a table behind 512 Blandina Street.

September 17, 2008

Call #919 – 315-542-0556 – 11:26 am

DRIP told BUDDHA he was pulling into his driveway.

Surveillance

At approximately 11:45 am DRIP's green Ford Explorer, New York tag DYG 2045, was observed parked at 120 Arlington Place which is BUDDHA's residence. Approximately 10 minutes later DRIP exited the residence and left in the Explorer.

Calls Relating To DRIP's Trip to Long Island On September 20, 2008

September 18, 2008

Call # 957 – 631-434-1927 – 5:38 pm

DRIP called Marshel Singleton who is believed to reside in the Brentwood, New York area of Long Island. DRIP asked for her brother Devon Singleton's phone number. DRIP

explained that he needed to talk to him because some homicide detectives from the Suffolk County Police Department had just questioned him about a homicide and also wanted to talk to Devin. She stated that Devin's number was 631-662-7058.

September 19, 2008

Call # 990 – 631-662-7058 – 9:14 pm

DRIP told Devon Singleton that he had got his insurance cards today and was "good to go now". (As was mentioned previously, DRIP is referring to a new Jeep he was now driving that was just registered and insured in the name of Sheena Stockton). DRIP stated that he had not left yet and wanted to know what was up with "Honkey" before he came. Singleton stated he was in a "tight situation" right now. DRIP acknowledged that he understood and told SINGLETON not to say anymore. DRIP told Singleton he would "hit" (i.e. call) him when he was "around the way" (in the Long Island area).

September 20, 2008

Call intercepts from the morning of September 20, 2008 showed that DRIP was leaving Utica on a trip. At approximately 12:47 pm call data information from Line 3 showed DRIP was in the Bronx, New York area.

Call #1015 – 631-662-7058 – 1:49 pm

DRIP told an unknown female (who answered Devon Singleton's cell phone) that he was at the back door. She advised she would let him in. Based on this call and call data information from Line 3 it is believed that DRIP was in the Brentwood, Long Island area.

Call #1017 – 315-542-0556 – 2:34 pm

BUDDHA asked drip what was "good". DRIP stated that he would call BUDDHA later.

Call #1018 – 315-765-1540 – 4:13 pm

This was a non-pertinent call but call data information from this call shows DRIP was in the Yonkers, New York area at the time of this call.

Surveillance

7:49 pm – DRIP was observed exiting the New York State Thruway at exit 30 (the Herkimer, New York exit, which is just east of Utica). DRIP was driving a gray Jeep, New York tag EKX 2230.

Call #1025 – 315-542-0556 – 7:50 pm

DRIP asked BUDDHA to “come through real fast”. BUDDHA stated he would be there in 15 minutes.

Surveillance

8:01 pm – DRIP pulled into driveway at 410 Blandina Street, Utica and parked in front of the gate of a privacy fence.

8:07 pm – DRIP opened the gate and drove down the driveway then closed the gate.

8:18 pm – A Passat, New York tag CZF 6502, driven by BUDDHA parked pulled into the driveway at 512 Blandina Street.

8:23 pm – DRIP started the Jeep which was behind the privacy fence and opened the gate. DRIP then backed the Jeep out and closed the gate.

8:24 pm – DRIP drove from 410 Blandina Street to 514 Blandina Street where he parked the Jeep.

8:25 pm – BUDDHA and unknown black male exit 512 Blandina Street through the west rear door and walk up the driveway at 514 Blandina Street.

8:32 pm – DRIP, BUDDHA and the unknown black male walk out from the driveway of 514 Blandina Street. DRIP and the unknown black male went into 512 Blandina Street through the west rear door. BUDDHA entered the Passat.

8:40 pm – The Passat backed out of the driveway at 512 Blandina Street and drove to BUDDHA's residence at 5 Arlington Terrace, Utica. BUDDHA exited the Passat and entered his residence.

Call #1027 – 315-732-0470 – 8:30 pm

DRIP's mother Kathleen Tyrrell, called from the hardline at 410 Blandina Street and told DRIP that the kid next door told her there was an undercover cop on the corner watching everything. DRIP stated that he believed it.

Call #337 – 315-542-0556 – 8:37 pm

BUDDHA called DRIP and told him that the information (about the undercover cop) was crazy and he was not even on that block. (It is apparent from this call that DRIP called BUDDHA from another phone and told him about the undercover cop on Blandina Street).

Based on the above calls from September 19 and 20, 2008 and the related surveillance from September 20, 2008 it is believed that on September 20, 2008 DRIP drove the 2005 Jeep Cherokee to Long Island to pickup cocaine and then returned to Utica. Specifically, it is noted that based on call intercept data from Line 3 DRIP drove all the way to Long Island and only remained there for about two hours before driving right back to Utica. When DRIP returned to Utica he drove to his mother's residence at 410 Blandina Street. As was noted previously, 410 Blandina Street is the residence of DRIP's mother Kathleen Tyrrell where other Line 3 calls show DRIP stores guns and drugs. Additionally, DRIP's mother's call to him warning of an

undercover cop on Blandina Street right after DRIP left her house provides further corroboration that DRIP returned to Utica with cocaine. It is also believed that based on the calls and surveillance from September 20, 2008 that BUDDHA picked up cocaine from DRIP at 512 Blandina Street and then returned to his residence at 5 Arlington Terrace with the cocaine.

I. JERMAINE GARY a/k/a HALF

2002 Chevy Trailblazer, VIN 1GNDDT13S122463839, New York Reg. DVY7671, which is registered and titled to Jaime Rivera.

JERMAINE GARY a/k/a HALF is a 29 year old convicted New York State drug felon who is currently on parole. HALF resides at 120 Richardson Avenue, Utica, New York. CS 2 advised that HALF is a BOP member who sells crack cocaine. Consensual recordings made by CS 2 with HALF show that he is the owner of the above Trailblazer.

On October 15, 2008 JERMAINE GARY a/k/a HALF drove MICHAEL AUSTIN a/k/a SOSA in the above Trailblazer to make a controlled crack cocaine sale to CS 2.

On October 17, 2008 CS 2 made a controlled purchase of crack cocaine from JERMAINE GARY a/k/a HALF in the above Trailblazer.

CONCLUSION

The foregoing sets forth probable cause supporting the issuance of warrants to seize :

1. 2003 Acura TL, Vehicle Identification Number (VIN) 19UUA56713A078111, New York Reg. EGU 5940, which is registered to Shalon W. Durham, and titled to Andrea L. Scott.
2. 2005 Mitsubishi Endeavor, VIN 4A4MM21S15E061815, New York Reg. EBL7149, which is registered to Nadine Allen and titled to Wilber C. Allen.

3. 2001 Honda Civic, VIN 1HGEM229X1L002552, New York Reg. DZW 8369, which is registered and titled to MICHAEL E. AUSTIN, date of birth: November 17, 1978..

4. 2004 Mercedes Benz S 430, VIN WDBNG83J74A388010, New York Reg. DNY1538, which is registered to MICHAEL E. AUSTIN, date of birth: November 17, 1978 and titled to Michael P. Lennon.

5. 1999 Audi A6, VIN WAUBA24B4XN082824, New York Reg. DVY 5669, which is registered and titled to MICHAEL A. WILLIAMS.

6. Acura TL, New York Reg. EEF3379.

7. 2002 Ford Explorer, VIN 1FMZU73E42UC49744, New York Reg. DYG2045, which is registered and titled to Kathleen Tyrrell.

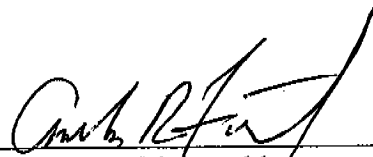
8. 2003 Honda Accord, VIN HGCM66543A057468, New York Reg. EBL8051, which is titled and registered to Marlene A. Thompson.

9. 2005 Jeep Cherokee, VIN 1J4GR48K75C509407, New York Reg. EKX2230, which is registered and titled to Sheena Stockton.

10. 2002 Chevy Trailblazer, VIN 1GNDDT13S122463839, New York Reg. DVY7671, which is registered and titled to Jaime Rivera.

The foregoing shows that the above ten vehicles were purchased with illicit drug money and/or were used to transport drugs and/or money in violation of of Title 21, United States Code Section 841(a)(1) and 846, Possession with Intent to Distribute Controlled Substances and Conspiracy and Money Laundering in violation of Title 18 United States Code Section, 1956 as well as evidence of unexplained wealth and unreported income and money in the commission of these offenses. I therefore respectfully request that the Court issue seizure warrants for the above nine


vehicles so that they may be seized for further proceedings in accordance with law.



Anthony R. Fitzgerald
FBI Special Agent

Sworn to before me this

28th day of October, 2008



Hon. David E. Peebles
United States Magistrate Judge